

JAMIE LEONARD,

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VS.

Defendants.

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1 get it?
 2 A. No.
 3 Q. And you guys knew he was acting psychotically,
 4 right?
 5 A. Yes.
 6 Q. I mean -- okay. You've seen the notes where
 7 there was --
 8 A. Yes.
 9 Q. -- evidence of very strange behavior,
 10 statements, nude, trying to get in people's bunks saying
 11 that he wanted to -- I have to get my soul out because it
 12 is time for me to die?
 13 A. Yes. So you asked if there was any improvement
 14 since that. That's one of the things that we've
 15 improved --
 16 Q. So now had that -- I interrupted you.
 17 A. So getting an order for that ahead of time if
 18 we feel that there's going to be a situation, we can get
 19 the order from the psychiatrist sooner and be able to use
 20 that.
 21 Q. Can you get the order from the on staff doctor
 22 too?
 23 A. No.
 24 Q. He wouldn't give you an order for Haldol for
 25 someone like Leonard?

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1 A. No, typically we don't the on call medical
 2 doctor for anything psychiatric. We have a contracted
 3 psychiatrist for that.
 4 Q. When you say psychiatrist you don't mean
 5 someone's personal psychiatrist. You have another
 6 psychiatrist on call that you can call to get orders for
 7 meds?
 8 A. Yes.
 9 Q. So if -- I'll show you this so you're not in a
 10 vacuum here. Number 9, Exhibit 9, the top, that's the
 11 statement I was just referencing. Your nurse went and
 12 saw him that night at 1:30 in the morning before this
 13 happened. If now -- are you saying that now if something
 14 like that would happen you guys would contact the
 15 psychiatrist to get an order on board in case a calming
 16 or antipsychotic medication was needed for a patient?
 17 A. Yes and no. So the psychiatrist is not -- we
 18 don't hire him to be on call. He's hired to be on site 8
 19 to 12 hours a week. However, if the nurses call the
 20 medical supervisor and we discuss the situation, we can
 21 help determine if it's a reason that we need to call him
 22 because we typically --
 23 Q. He's not on call, but you have access to him?
 24 A. Correct, we don't pay him to be on call 24/7.
 25 Our contract is for on site.

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1 Q. Who is this person?
 2 A. Dr. Battula.
 3 Q. B or P?
 4 A. B-A-T-T-U-L-A.
 5 Q. Mr. Leonard was at your facility for a couple
 6 days before this?
 7 A. He got there on the 20th, yes.
 8 Q. So possible he would have seen -- if you had
 9 the psychiatrist now possible he would have seen him in
 10 that time?
 11 A. No, because he came in on a Thursday and the
 12 psychiatrist isn't there until Monday. I mean their
 13 appointment would be Monday. He's only there twice a
 14 week.
 15 Q. So -- all right, thank you. Any other lessons
 16 learned?
 17 A. Well, can I speak with my attorney first?
 18 Q. Let's do it this way. If we could maybe say
 19 not that I can think of now, and then I'm going to
 20 continue to ask more questions. And then if you think of
 21 any later I'll give you that opportunity.
 22 A. Okay.
 23 Q. Is that fair?
 24 A. Yes.
 25 MR. HEFFNER: Would it be possible just to

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1 take a little recess to use the restroom? I don't have
 2 to talk with her.
 3 MR. BURGER: Yes, that is possible. We'll
 4 go off the record.
 5 MR. HEFFNER: Okay, thank you.
 6 Q. (By Mr. Burger) So I have another question for
 7 you, totally brand new. Any other lessons you learned
 8 from this incident?
 9 A. No.
 10 Q. So I've marked a number of policies through
 11 Exhibit 20. Are there any other policies, written
 12 policies, related to provision of medical care to
 13 inmates, communicating about medical care or medical
 14 conditions, other than the ones I've marked and showed
 15 you?
 16 A. No, I don't believe so.
 17 Q. Are there -- couple follow-up questions. You
 18 said there was another policy about providing medical
 19 care to inmates at one point in your testimony today. Do
 20 you remember that?
 21 A. Not policy, but practice.
 22 Q. And then so my question is, is there a written
 23 policy about providing medical care to inmates while
 24 they're there and did I show it to you already?
 25 A. Specifically about -- I don't think so. I mean

20 (Pages 74 to 77)

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1 Q. She saw him at 1:37. Then she saw him after
2 the OC spray and before he injured his eye, correct?
3 A. Yes.
4 Q. Did she make any mental status inquiry with
5 him?
6 A. He's already scheduled to see the mental health
7 counselor on the 22nd.
8 Q. Can you answer my question?
9 A. What do you mean? That is the -- so she looks
10 to see if he has an appointment and he has an
11 appointment.
12 Q. Would you agree with me that when she saw him
13 at 1:37 she quoted his statements about his suicidality
14 and self harm and she asked him what changed in his
15 mental status and he advised her and she quoted those in
16 the notes?
17 A. Uh-huh.
18 Q. Is that a yes?
19 A. Yes.
20 Q. And in -- it doesn't seem like there's any
21 inquiry with him about what he's feeling or whether he
22 wants to hurt himself at 6:45 in that note. Is that
23 fair?
24 A. Yes.
25 Q. And you have it in front of you as well, sorry.

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1 A. Yeah, so he's under observation by the
2 officers, not observation by the nurses.
3 Q. How do you know whether he was under
4 observation by the officers?
5 A. Because he's in the suicide prevention unit
6 where he's on close observation. That means that he's
7 being checked on less than every 15 minutes, his well-
8 being.
9 Q. So did you talk to her about Ms. Martin about
10 how or why -- did you talk to Ms. Martin about this
11 event?
12 A. When I got back from vacation, yes.
13 Q. What was your -- tell me about that
14 conversation.
15 A. I honestly don't remember everything, but I
16 know --
17 Q. Tell me anything.
18 A. Okay. So I first of all I wanted to make sure
19 after her seeing this and it was --
20 Q. She was okay?
21 A. Right.
22 Q. That's your focus, right, when you talk to
23 Fisher, Scott, and Martin, are you okay?
24 A. Yes, because when I got back from vacation the
25 inmate is not in our custody right now.

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1 Q. And you sent an e-mail making sure everybody
2 was okay and directing people to EAP?
3 A. Yes.
4 Q. Did you ever reach out to the inmate?
5 A. No.
6 Q. Did you ever reach out to his mom?
7 A. No. I'm not allowed.
8 Q. To what?
9 A. To reach out to an inmate or their mother.
10 Q. To see how they are after they're injured?
11 A. Correct.
12 Q. Why not?
13 A. It's against policy.
14 Q. Where is that written?
15 A. We are not allowed to contact inmates or their
16 family once they're not in custody.
17 Q. Okay. Where is that written down?
18 A. That's a practice in corrections that's part of
19 correctional -- it's just correctional practices. I'm
20 not sure if it's written in a policy, but we all know
21 we're not allowed to speak -- we can't have contact with
22 inmates. That's in policy No. 5.
23 Q. Okay. I'm just asking. I don't know.
24 A. Yeah, we are not allowed to initiate the
25 calls.

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1 Q. Tell me about your conversation with Ms.
2 Martin. You asked her if she was okay and she needed EAP
3 counseling. What else did you ask her about?
4 A. I believe that I just -- I kind of reinforced
5 that she did a good job and then tried to put some, you
6 know, gauze over the eye and things like that and just
7 more about -- you know, it's hard. You can't really
8 prepare for something like what she had to deal with, so
9 I mostly let her kind of talk about the incident.
10 Q. What did she say?
11 A. Well, she was pretty shook up over what she
12 saw, but she also felt that she responded appropriately
13 and she provided first aid, made sure EMS was called.
14 So, I mean, she did a good job.
15 Q. Did you ever ask her why she didn't pick up on
16 the impending eye injury when she saw him at 6:45?
17 A. That goes back to documentation and verifying
18 if that's a current condition or if that's something that
19 was in the past. And she did say, you know, she can look
20 at the chart and see that he was already seen by our
21 physician and seen for a fit for confinement. So the
22 Reiter's syndrome wasn't verified as a current condition
23 based on the information that we have, and we were
24 awaiting records for Dr. Linda Hunt, but those records --
25 I mean he left before we got anything.

29 (Pages 110 to 113)